## IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

----- X

:

In re: : Chapter 11

:

CIRCUIT CITY STORES, INC., et al. : Case No. 08-35653-KRH

:

Debtors. : Jointly Administered

Judge Kevin R. Huennekens

----- X

TAUBMAN AUBURN HILLS ASSOCIATES LIMITED PARTNERSHIP'S JOINDER IN THE LIMITED OBJECTION OF EKLECCO NEWCO, LLC TO MOTION OF DEBTORS FOR ENTRY OF ORDER PURSUANT TO BANKRUPTCY CODE SECTIONS 105, 363, AND 365 (I) ASSUMING THE AGENCY AGREEMENT AMONG THE DEBTORS, HILCO MERCHANT RESOURCES, LLC AND GORDON BROTHERS RETAIL PARTNERS, LLC AND (II) AUTHORIZING THE DEBTORS TO CONTINUE AGENCY AGREEMENT SALES PURSUANT TO STORE CLOSING AGREEMENT

Taubman Auburn Hills Associates Limited Partnership ("<u>Taubman</u>"), by and through its counsel, Hunton & Williams LLP, hereby joins in the Limited Objection of Eklecco Newco, LLC to Motion of Debtors for Entry of Order Pursuant to Bankruptcy Code Sections 105, 363, and 365 (I) Assuming the Agency Agreement Among the Debtors, Hilco Merchant Resources, LLC and

Benjamin C. Ackerly [VSB # 09120] J.R. Smith [VSB # 41913] Henry (Toby) P. Long III [VSB # 75134] HUNTON & WILLIAMS LLP Riverfront Plaza, East Tower 951 East Byrd Street Richmond, Virginia 23219-4074 Telephone: (804) 788-8479

Facsimile: (804) 788-8218

and

J. Eric Crupi [VSB # 46782] HUNTON & WILLIAMS LLP 1900 K Street, NW Washington, DC 20006 Telephone: 202.419.2143

Facsimile: 202.778.7445

Gordon Brothers Retail Partners, LLC and (II) Authorizing the Debtors to Continue Agency Agreement Sales Pursuant to Store Closing Agreement (Docket No. 228) (the "Limited Objection"). Taubman leases commercial space to the Debtors at the Great Lakes Crossing shopping center located in Auburn Hills, Michigan. Taubman opposes the relief sought by the Debtors in their motion, as applied to Taubman, for the same reasons stated in the Limited Objection. Furthermore, Taubman states that the Debtors have failed to pay post-petition "stub" rent due to Taubman pursuant to Section 365(d)(3) of the Bankruptcy Code for the period from November 10, 2008, through and including November 30, 2008, in the amount of \$51,608.53 (see Account Status Report attached hereto as "Exhibit A").

Dated: November 21, 2008 Richmond, Virginia \_/s/ Henry (Toby) P. Long, III Benjamin C. Ackerly [VSB # 09120] J.R. Smith [VSB # 41913] Henry (Toby) P. Long III [VSB # 75134] HUNTON & WILLIAMS LLP Riverfront Plaza, East Tower 951 East Byrd Street Richmond, Virginia 23219-4074 Telephone: (804) 788-8479 Facsimile: (804) 788-8218

and

Dated: November 21, 2008 Washington, DC \_/s/ J. Eric Crupi\_

J. Eric Crupi [VSB # 46782] HUNTON & WILLIAMS LLP 1900 K Street, NW Washington, DC 20006 Telephone: 202.419.2143

Facsimile: 202.778.7445

COUNSEL FOR TAUBMAN AUBURN HILLS ASSOCIATES LIMITED PARTNERSHIP

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2008, a true and complete copy of the foregoing was filed and served electronically using the Court's ECF System and was sent by first class mail, postage prepaid, to the entities at the addresses indicated below:

McGuireWoods LLP World Trade Center 101 West Main Street, Suite 9000 Norfolk, VA 23510-1655 Attn: Douglas M. Foley, Esq.

McGuireWoods LLP One James Center 901 East Cary Street Richmond, Virginia 23219 Attn: Dion W. Hayes, Esq.

Skadden Arps, Slate Meagher & Flom LLP One Rodney Square Box 636 Wilmington, Delaware 19899 Attn: Gregg Galardi, Esq.

Attorneys for Circuit City Stores, Inc.

Office of the United States Trustee 701 E. Broad Street, Suite 4304 Richmond, VA 23219 Attn: Robert B. Van Arsdale, Esq.

/s/ Henry (Toby) P. Long III